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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,163	06/02/2006	Danny A. Grant	IMM152B (I103 1940US)	3281
26158 7590 09/22/2009 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC ATTN: PATENT DOCKETING P.O. BOX 7037 ATLANTA, GA 30357-0037			EXAMINER NAM, HYUN	
			ART UNIT 2184	PAPER NUMBER
			MAIL DATE 09/22/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,163	Applicant(s) GRANT ET AL.	
	Examiner Hyun Nam	Art Unit 2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,10,12,13,26 and 28-37 is/are pending in the application.
- 4a) Of the above claim(s) 2, 6-9, 11, 14-25, and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,10,12,13,26 and 28-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 10, 12, 13, 26, and 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by the Kaaresoja et al. (U.S. Publication Number 2002/0177471) hereinafter Kaaresoja '471.

Referring to claim 1, Kaaresoja '471 teaches, as claimed, a method, comprising:

generating an output signal (see Fig. 1, a signal from Keypad 108 to Controller 106) upon an actuation of one or more of a plurality of user-interface members (a key of keys on keypad, see Fig. 1, Keypad 108 and Paragraph 17, Line 6; Note, when user press the key to select a menu item, a mobile phone receives an input

signal associated with actuation) on a first handheld communication (mobile phone, see Paragraph 17, Line 2);

device, wherein the output signal includes a haptic code (tactile icons are communicated, see Paragraph 37) configured to distinctly identify the first handheld communication device (Note, since the device was able to communicate the tactile icons; it was able to distinctly identify itself from other communication devices that are not able to communicate the tactile icons) and a status event (indicating call waiting event, see Paragraph 15); and

sending the output signal to a remote handheld communication device (mobile phone, see Paragraph 17, Line 2; Note, one) remote from the first handheld communication device (see Paragraph 24, Lines 9-11; Note, tactile icons composed from one device is sent to another remote device), wherein the second handheld communication device is configured to output a haptic effect corresponding to the haptic code (see Paragraphs 9 and 11).

As to claim 3, Kaaresoja '471 teaches, the method of claim 1 wherein sending further includes in the output signal at least one of a message (voice message, see Fig. 1, Loudspeaker 114), a video image (an animation, see Paragraph 18, Line 4), and a graphical feature (pictures, see Paragraph 18, Line 3).

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As to claim 4, Kaaresoja '471 teaches, the method of claim 1 wherein the haptic code is associated with a predetermined scheme (see Fig. 1, stored vibration pattern 140e; Note, predetermined vibrations patterns are stored in the memory for later determination of tactile sensation to be sent or received).

As to claim 5, Kaaresoja '471 teaches, the method of claim 1 wherein receiving further includes defining the one of the user-interface members (see Paragraph 17, Line 6; Note, a menu item is defined to the key in the keypad) include at least one of a key, a button, a key pad (see Fig. 1, Keypad 108), a direction pad, a touch screen, a scroll wheel, a mini-joystick, a trackball, and a knob (Note, the Keypad 108 is one of the user-interface member listed above).

As to claims 10, 12, and 13, they are directed to a computer-readable medium on which is encoded program code to implement the methods as set forth in claims 1, 3, and 4 respectively. Therefore, they are rejected on the same basis as set forth hereinabove.

Referring to claim 26, Kaaresoja '471 teaches, as claimed, a handheld communication device, comprising:

a body (see Fig. 1, a Block Diagram of a mobile phone) having an antenna (see Fig. 1, Antenna 102) configured to receive a signal from a transmitting handheld communication device (see Fig. 1, Transceiver 104), the signal including a haptic

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code therein (see Fig. 1, tactile sensation pattern) to distinctly identify the transmitting handheld communication device (see Paragraph 24, Lines 9-11; Note, a message of ringing tone or business card distinctly identifies a caller and caller's handheld communication device) and a status event (indicating call waiting event, see Paragraph 15);

a user-interface member (see Fig. 1, Keypad 101) coupled to the body;

a processor (see Fig. 1, Controller 106) in data communication with the user-interface member;

an actuator (see Fig. 1, Vibration motor 100) coupled to user-interface member and in data communication with the processor (see Fig. 1, data path labeled 'control signal'), wherein the actuator is configured to output a haptic effect corresponding to the haptic code (see Paragraphs 9 and 11).

As to claim 28, Kaaresoja '471 teaches, the handheld communication device of claim 26, wherein the handheld communication device is one of a cellular phone (see Fig. 1, a Block Diagram of a Mobile Phone), a satellite phone, a cordless phone, a personal digital assistant, a pager, a two-way radio, a portable computer, a game console controller, a personal gaming device, and an MP3 player (Note, the mobile phone is one of the device listed above).

As to claim 29, Kaaresoja '471 teaches, the handheld communication device of claim 26 wherein the plurality of user-interface members includes at least one of a key (a key on keypad, see Fig. 1, Keypad 108), a button, a key pad (see Fig. 1, Keypad 108), a direction pad, a touch screen, a scroll wheel, a mini-joystick, a trackball, and a knob (Note, the Keypad 108 is one of the user-interface member listed above).

As to claims 30, Kaaresoja '471 teaches, the handheld communication device of claim 26 further comprising memory (see Fig. 1, Memory 140), wherein the memory stores program code (see Fig. 1, Vibration pattern interpreter 140a) for extracting a haptic stimuli (see Fig. 2, Vibration patterns) from the input signal.

As to claim 31, Kaaresoja '471 teaches, the handheld communication device of claim 26 further comprising a display device (see Fig. 1, Display 110) in communication with the processor (see Fig. 1, Controller 106), the processor to cause the display device to produce an image of the identified source (pictures, see Paragraph 18, Line 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-34 are rejected under 35 U.S.C. 103(a) as obvious over Kaaresoja '471 in view of Wanderlich (U.S. Patent 6,028,531), hereinafter Wanderlich '531.

As to claims 32, Kaaresoja '471 teaches a method to implement the same method as set forth in claim 1.

Kaaresoja '471 does not expressly disclose a method comprising user-interface member being assigned to a haptic code.

Wanderlich '531 does disclose a switch being assigned to a tone and a vibration (see Fig. 2, Switch 40). Furthermore, Wanderlich '531 disclose numeral 0 thru 9 being assigned to combination of signal amplitude, vibration frequency, and duration (see Column 7, Lines -6-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to assign a haptic code or vibration pattern/signal to a switch/keypad on a mobile device of Kaaresoja '471.

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The suggestion/motivation for doing so would have been to have convenient access and feel to the most frequently used or favorite vibration pattern.

As to claims 33, it is directed to a program code to implement the method as set forth in claim 32. Therefore, it is rejected on the same basis as set forth hereinabove.

As to claims 34, it is directed to a device to implement the method as set forth in claim 32. Therefore, it is rejected on the same basis as set forth hereinabove.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as obvious over Kaaresoja '471 in view of Epstein et al. (U.S. Publication 2003/0038776), hereinafter Epstein '729 and Amon (U.S. Publication 2002/0107936), hereinafter Amon '936.

Referring to claims 35-37, Kaaresoja '471 teaches, as claimed, a method of claim 1, a computer readable medium of claim 10, and a device of claim 26 respectively.

Kaaresoja '471 does not disclose expressly wherein the status event is selected from the group consisting of an advertisement event, a one-to-one marketing event, a business-transaction event, a stock-trading event, a weather-forecast event, and an emergency event.

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Epstein '729 does disclose a wherein the status events consisting of an advertisement event (see Paragraph 14), a one-to-one marketing event (see Paragraph 16), a business-transaction event (see Paragraph 27), and a stock-trading event (exchange, see Title and Fig. 11).

Amon '936 does disclose a weather-forecast event (see Paragraph 16) and an emergency event (see Fig. 6).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate status events of Epstein '729 and Amon '936 into Kaaresoja '471.

The suggestion/motivation for doing so would have been to provide most comprehensive mobile PDA and/or Phone services.

Response to Arguments

Applicant's arguments filed 01/13/2009 have been fully considered but they are not deemed to be persuasive.

Applicant argues, the Examiner alleges that "a message of ringing tone or business card [sic] distinctly identifies a caller and caller's handheld communication device."

March 2009 Office Action at page 4. However, even if this is true, Kaaresoja does not

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disclose identifying a caller or caller's handheld communication device based on a haptic code. In other words, the ringing tone or business card of Kaaresoja is not the haptic code as claimed. Claims 1, 10, and 26 clearly recite that a haptic code is configured to distinctly identify the first handheld communication device.

Examiner disagrees with applicant. Kaaresoja '471, clearly discloses tactile icons are communicated between two phones as smart messages, in much the same way as ringing tones and business cards are communicated (see Paragraph 37). Examiner agrees with the Applicant that the business card of Kaaresoja '471 is not the haptic code. However, the tactile icons are indeed haptic codes. The Kaaresoja '471 is disclosing that communication by tactile icons with haptic codes is much like communication by transmitting ringing tones or business cards. The intended use of the output signal that includes haptic code to identify a person (i.e. name on the business card) or a device (i.e. phone number on the business card) is left to free will of people who are agreeing to conduct the two-way-communications. For instance, if certain tactile icons are transmitted from one phone to another, it is up to receiving user to determine which business partner with what kind of phone has called and what future business event is solicited. Finally, the structure of Applicant's invention, the handheld communication device, has not changed because of how the output signal including the configured-haptic-code is to be identified by the user of the communication device. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably

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distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun Nam whose telephone number is (571) 270-1725 and fax number is (571) 270-2725. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai can be reached on (571) 272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Henry W.H. Tsai/

Supervisory Patent Examiner, Art Unit 2184

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